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6 Attorneys for Plaintiffs Gregory R. Raifman and
 7 Susan Raifman, individually and as Trustees for the
 8 Raifman Family Revocable Trust Dated 7/2/03,
 and Gekko Holdings, LLC, an Alaska
 9 limited liability company, dba Gekko Breeding and Racing

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 GREGORY R. RAIFMAN, individually and as CASE NO. C 07-02552 MJJ
 13 Trustee of the RAIFMAN FAMILY
 REVOCABLE TRUST DATED 7/2/03, SUSAN
 14 RAIFMAN, individually and as Trustee of the RAIFMAN FAMILY REVOCABLE TRUST
 DATED 7/2/03, and GEKKO HOLDINGS, LLC,
 15 an Alaska limited liability company, dba GEKKO BREEDING AND RACING,

16 Plaintiffs,
 17 v.
 18 CLASSICSTAR, LLC, a Utah limited liability
 19 company, CLASSICSTAR FARMS, LLC, a
 Kentucky limited liability company, BUFFALO
 20 RANCH, a business entity form unknown,
 GEOSTAR CORPORATION, a Delaware
 21 corporation, S. DAVID PLUMMER, SPENCER
 D. PLUMMER III, TONY FERGUSON,
 22 THOMAS ROBINSON, JOHN PARROT,
 HANDLER, THAYER & DUGGAN, LLC, an
 23 Illinois Limited Liability Company, THOMAS J.
 HANDLER, KAREN, HENDRIX, STAGG,
 24 ALLEN & COMPANY, P.C., a Utah professional
 corporation f/k/a KAREN, HENDRIX &
 25 ASSOCIATES, P.C., a Utah professional
 corporation, TERRY L. GREEN, and DOES 1-
 26 1000 inclusive,

27 Defendants.

28 **[PROPOSED] ORDER DENYING MOTION
 TO SET ASIDE DEFAULT**

Date: August 28, 2007
 Time: 9:30 a.m.
 Place: 450 Golden Gate Avenue
 San Francisco, CA 94102
 Courtroom 11
Complaint Filed: May 14, 2007

The Honorable Martin J. Jenkins

1 The motion of Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J.
2 HANDLER, J.D., P.C. (erroneously sued as THOMAS J. HANDLER, individually), to set aside
3 defaults entered against them on July 11, 2007, pursuant to Federal Rule of Civil Procedure 55(c) came
4 on for hearing on the 28th day of August, 2007, at 9:30 a.m. in Courtroom 11 of the above-entitled
5 court, located at 450 Golden Gate Avenue, San Francisco, CA 94102, the Honorable Martin J. Jenkins
6 presiding.

Richard J. Idell appeared on behalf of Plaintiffs GREGORY R. RAIFMAN and SUSAN RAIFMAN, individually and as Trustees for the Raifman Family Revocable Trust Dated 7/2/03, and GEKKO HOLDINGS, LLC, an Alaska limited liability company, dba Gekko Breeding and Racing, and John M. Drath appeared on behalf of Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C. (erroneously sued as THOMAS J. HANDLER, individually).

Having read the motion and opposition, the points and authorities filed by both parties, and the Declarations filed therewith, and having heard argument of counsel, and GOOD CAUSE APPEARING THEREFOR:

IT IS ORDERED that Defendant's Motion to Set Aside Default is DENIED.

16 IT IS SO ORDERED;

8 Dated: 2007

The Honorable MARTIN J. JENKINS

Respectfully submitted,

IDELL & SEITEL LLP

22 | Dated: August 7, 2007

By:

Richard J. I

Ory Sandel

Elizabeth J. Rest
Attorneys for Plaintiffs Gregory R. Raifman and Susan Raifman, individually and as Trustees for the Raifman Family Revocable Trust Dated 7/2/03, and Gekko Holdings, LLC, an Alaska limited liability company, dba Gekko Breeding and Racing

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel LLP 465 California Street, Suite 300, San Francisco, California 94104.

On August 7, 2007, I served the following document(s):

[PROPOSED] ORDER DENYING MOTION TO SET ASIDE DEFAULT

- by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell & Seitel LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.
- by **ELECTRONIC MAIL**. As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

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and Thomas J. Handler, J.D., P.C.*

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and I executed this declaration at San Francisco, California.

 Suzanne Slavens